

REMARKS

Claims 82-126 are pending in the application, with claims 82, 97, 112, 118, and 123 being independent. No claims have been amended and claims 123-126 have been added. Reconsideration and allowance of the claims are respectfully requested in light of the following remarks.

35 U.S.C. § 102(e) Boyer Rejection

Claims 82-89, 97-104, and 112-115 were rejected under 35 U.S.C. § 102(e) as being anticipated by Boyer (U.S. Patent Application Publication No. 2004/0128686). Applicants respectfully request withdrawal of this rejection.

Independent claim 82 is directed to a method of presenting content and recites, among other features, “designating a content source from among the two or more content sources based upon [a] determined local day-part [for a user’s geographic location] and independent of a profile of a user,” and “configuring a content display to feature content from the designated content source over content from other of the content sources based upon the determined local day-part and independent of a profile of a user.” Boyer fails to describe or suggest at least these features of claim 82.

In contrast to the recitations of claim 82, in Boyer, content is customized based upon a profile of a user. Boyer describes an Internet television program guide system that includes a video component that processes television signals and a multimedia component that processes television program guide data and related multimedia information into a television program guide page. (Boyer at ¶¶ 0010 to 0013). The television program guide page is customized to a local geographic area based upon the user’s profile, e.g., by receiving user input of the his or her geographic area (e.g., by entry of a zip code or through a map-based interface), time zone, satellite provider, or city. (Id. at ¶¶ 0078, 0082, and 0092-0094). The television program guide page is further customized based upon user input of the user’s profile, e.g., by receiving user selection of viewing the guide by time (FIG. 16), channel (FIG. 18), category of programming (FIG. 20), or search results, e.g., by actor, title, description, or rating (FIG. 22). (Id. at ¶¶ 0102, 0108, 0109, 0112-0113). Thus, Boyer fails to describe or suggest the claimed “designating a

content source from among the two or more content sources ... independent of a profile of a user," and the claimed "configuring a content display to feature content from the designated content source over content from other of the content sources ... independent of a profile of a user." Rather, Boyer requires user input of user profile information to configure a content display.

In addition, contrary to the recitations of claim 82, Boyer fails to describe or suggest customizing the television programming guide "based upon a determined local day-part" that corresponds to the user's geographic area. When the programming guide is viewed by time (FIG. 16), the grid initially displays the TV programming for the present time, which the Office Action, at page 3, equates to the claimed "determining a local day-part." Accepting solely for the sake of argument that Boyer's initial display in FIG. 16 constitutes "determining a local day part," in Boyer, the television program listing content is not customized "based upon the determined local day-part." In Boyer, the content of a television programming guide of is customized based upon the geographic location of the user (e.g., by customizing the display to the local cable system). However, Boyer does not disclose customizing the television programming guide based upon the day-part at that geographical location, as required by claim 82. Boyer displays the content of the local television programming guide for a particular geographical area without regard to the current local day-part in that geographical area.

The Office Action appears to assert that these features are met by designating content of one TV channel over another (e.g., KCBS and KTLA) and configuring the display to show one channel over the other, depending on the local day-part. However, as plainly shown in FIG. 16 of Boyer, the user interface displays all of the channels together in the grid, and does not designate one TV channel over any other TV channel, regardless of the day-part being displayed. Moreover, the Office Action, on pages 3 and 4, appears to have conflated the concepts of the geographic location of the user and the determined local day-part, asserting that Boyer "designate[s] a content source" and "configure[s] a content display to feature content from the designated content source" based on the geographic location entered by the user. While the display of TV channels may vary based upon the geographic location of the user, there is no

variation based on the determined local day-part. Thus, Boyer fails to describe or suggest the claimed “designating a content source from among the two or more content sources based upon the determined local day-part” and “configuring a content display to feature content from the designated content source over content from other of the content sources based upon the determined local day-part.”

For at least the foregoing reasons, claim 82, and its dependent claims 83-89, are patentable over Boyer.

Independent claim 97 relates to a computer program that includes instructions for, among other things “designating a content source from among the two or more content sources based upon the determined local day-part and independent of a profile of the user,” and “configuring a content display to feature content from the designated content source over content from other of the content sources based upon the determined local day-part and independent of a profile of the user.” For at least the reasons discussed above with respect to claim 82, independent claim 97, and its dependent claims 98-104, are patentable over Boyer.

Independent claim 112 relates to a computer program that includes, among other things, “means for designating a content source from among the two or more content sources based upon the determined local day-part and independent of a profile of the user,” and “means for configuring a content display to feature content from the designated content source over content from other of the content sources based upon the determined local day-part and independent of a profile of the user.” For at least the reasons discussed above with respect to claim 82, independent claim 112, and its dependent claims 113-115, are patentable over Boyer.

35 U.S.C. § 103(a) Boyer/Alexander Rejection

Claims 90-96 and 105-111 have been rejected under 35 U.S.C. § 103(a) as being obvious over Boyer in view of Alexander (U.S. Patent No. 6,177,931). Applicants respectfully request withdrawal of this rejection.

Claims 90-96 and 105-111 depend, respectively, from independent claims 82 and 97. For at least the reasons set forth in Applicants' Amendment and Reply filed March 1, 2005, and

reproduced below, Alexander does not remedy the deficiencies of Boyer discussed above with respect to claims 82 and 97:

Alexander describes an electronic program guide (EPG) that uses user profile information of a viewer ("viewer profile information") in order to customize various aspects of the EPG. Viewer profile information is collected to create a user profile for a viewer ("viewer profile"). Col. 28, lines 10-21. For example, the viewer profile information may be collected from the viewer or may be collected by recording the interactions of the viewer with the EPG. Col. 28, line 12 to col. 29, line 11. The viewer profile information may include: the viewer's zip code; television, cable, and satellite services to which the viewer subscribes; the length of the subscriptions; the type of television; the age of the television; where the television was purchased; the viewer's top favorite channels; the viewer's favorite types of programs; and the times during which the viewer is most likely to watch television. Col. 28, lines 12-19. The viewer profile information then may be analyzed to determine the likelihood that the viewer would be interested in a particular subject, product, theme, movie or episode based upon comparisons with other similar viewer profiles. Col. 29, line 12 to col. 30, line 44.

Based on the viewer profile information, Alexander customizes an EPG. In fact, Alexander discloses customizing the television channels and times slots in a grid guide of an EPG based upon viewer profile information. For example, the order of channel slots presented in the grid guide of the EPG may be customized based upon the viewer profile information so as to present the viewer's favorite channels at the top/beginning of the grid guide in descending order, according to the viewer's profile. Col. 30, lines 53-58. In one embodiment, the order of the channel slots is customized according to the day of the week and time of day, according to the viewer's profile. Col. 30, lines 59-61. For instance, if the viewer profile indicates that the viewer frequently watches Nick at Nite on weekday evenings from 7 pm to 10 pm, then the EPG automatically tunes the television to the appropriate Nick at Nite channel from 7 pm until 10 pm on weekday evenings and formats the grid guide to show the Nick at Nite channel as the first channel in the grid guide. Col. 30, lines 61-67.

However, Alexander does not describe or suggest at least "designating a content source... based upon the determined local day-part and independent of a profile of the user" and "configuring a content display... based upon the determined local day-part and independent of a profile of the user," as recited in claim 82 (emphasis added).

For at least the foregoing reasons, claims 90-96 and 105-111 are patentable over Boyer and Alexander.

35 U.S.C. § 103(a) Boyer/Alten Rejection

Claims 116-122 have been rejected under 35 U.S.C. § 103(a) as being obvious over Boyer in view of Alten (U.S. Patent No. 5,635,978). Applicants respectfully request withdrawal of this rejection.

Independent claim 118 is directed to a method of presenting non-television programming content simultaneous with a television program and recites, among other things, “configuring, based on the first associated day-part determined for the first user, a first content display to simultaneously display a television program and the first non-television programming content,” and “configuring, based on the second associated day-part determined for the second user, a second content display to simultaneously display the television program and the second non-television programming content.”

Neither Boyer nor Alten describe or suggest these features of claim 118. As discussed above with respect to claim 82, Boyer fails to describe or suggest customizing its television programming guide based upon first and second day-parts that have been determined for first and second users in first and second geographic areas. Rather, the content of a television programming guide of Boyer is customized solely based upon the geographic location of the user. Alten relates to an electronic program guide system that configures the display of television programming information. However, Alten does not disclose, nor is Alten relied upon by the Office Action to teach, configuring the electronic program guide based upon a day-part that is determined for a user based on the user's geographic location.

At least because Boyer and Alten fail to describe these features, claim 118, and its dependent claims 119-122 are patentable over Boyer and Alten.

With respect to claims 116 and 117, which depend from independent claim 82, Alten fails to remedy the deficiencies of Boyer, as described above with respect to claim 82. In particular, Alten fails to describe or suggest at least “designating a content source from among the two or more content sources based upon the determined local day-part and independent of a profile of a

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Page : 16 of 16

Attorney's Docket No.: 06975-050001 / AOLT V 09

user,” and “configuring a content display to feature content from the designated content source over content from other of the content sources based upon the determined local day-part and independent of a profile of a user.” For at least these reasons, claims 116 and 117 are patentable over Boyer and Alten.


Applicants do not acquiesce to the characterizations of the art. For brevity and to advance prosecution, however, Applicants have not addressed all characterizations of the art, but reserve the right to do so in further prosecution of this or a subsequent application.

Enclosed is a \$350.00 check for excess claim. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: _____

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Scott B. Markow
Reg. No. 46,899

Fish & Richardson P.C.
1425 K Street, N.W.
11th Floor
Washington, DC 20005-3500
Telephone: (202) 783-5070
Facsimile: (202) 783-2331